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**EXAMINER'S TELEPHONE NUMBER** *(571) 272-____*

**ART UNIT: 2654**

**SERIAL NO. 09/912,133**

**FROM:** **EDWARD W. GOODMAN,**

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**Enclosed: Appeal Brief**

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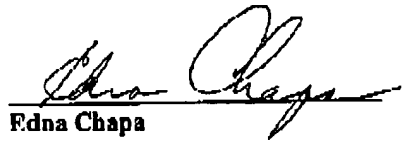

**Edna Chapa**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of

CHIH-CHUAN YEN ET AL.

Atty. Docket

PHTW 000005

Serial No.: 09/912,133

Group Art Unit: 2654

Filed: July 24, 2001

Examiner: M. Pierre

Title: SYSTEM FOR CONTROLLING AN APPARATUS WITH SPEECH COMMANDS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313 1450

Sir:

Enclosed is an original copy of an Appeal Brief in the above-identified patent application.

Please charge the fee of $500.00 to Deposit Account No. 14-1270.

Respectfully submitted,

By
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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# APPEAL BRIEF

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(1) Real Party in Interest

The real party in interest in this application is KONINKLIJKE PHILIPS ELECTRONICS N.V. by virtue of an assignment from the inventors recorded on February 12, 2002, at Reel 012626, Frame 0276.

(ii) Related Appeals and Interferences

There are no other appeals and/or interferences related to this application.

(iii) Status of Claims

Claims 1-3 have been cancelled. Claims 4-10 stand finally rejected by the Examiner.

(iv) Status of Amendments

There was one Amendment filed on February 17, 2006, after final rejection of the claims on January 12, 2006, this Amendment having been considered and entered by the Examiner.

(v) Summary Of Claimed Subject Matter

The subject invention relates to a system including an apparatus, a remote control for controlling the apparatus and a speech processor for processing speech commands.

Recent developments in speech recognition techniques have enabled users of electronic systems to control these systems by spoken commands. However, in the event that there are multiple users in the same setting, conflicts may result when more than one user issues spoken commands to the same system.

It is an object of the subject invention to alleviate these problems. In particular, as claimed in claims 4 and 10, shown in Fig. 1, and described in the Substitute Specification on page 5, line 6 to page 6, line 2 (Paragraph [0010]), the system includes an apparatus, e.g., a television receiver 101, and a remote control 102 for controlling the television receiver 101. The system also includes a speech processor (211 in Fig. 2, page 6, lines 13-18) for processing speech commands for controlling the apparatus. To that end, the remote control 102 is provided with a microphone 104 for enabling a user of the remote control to input speech commands. To enable the system to receive speech commands from users not in possession of the remote control 102, the system includes a further microphone 107, arranged, for example, on the television receiver 101. In order to minimize conflicting speech commands, the system includes input designation means, e.g., button 105 on the remote

control 102 enabling the user in possession of the remote control 102 to designate the microphone 104 and/or the further microphone 107 as a signal source (of the speech commands) for the speech processor.

Claim 8 relates to a remote control for use in such a system, while claim 9 relates to an apparatus for use in such a system.

(vi) Grounds of Rejection to be Reviewed on Appeal

(A) Whether the invention, as claimed in claims 4-10, is anticipated, under 35 U.S.C. 102(e), by U.S. Patent 6,397,388 to Allen.

(vii) Arguments

(a) Rejection under 35 U.S.C. 102(e) over Allen.

(1) Claims 4-7 and 10

The Allen patent discloses systems and devices for audio capture and communication during television broadcasts, in which a remote control 204 sends remote control signals to a set-top box 102 for controlling signals sent by the set-top box 102 to a television receiver 202 connected thereto. The remote control 204 contains a microphone 208 (indicated as 209 in Fig. 2) for capturing sound wave and generating an analog or digital audio signal. The microphone 208 is controlled by a switch 206 which toggles operation of the microphone 208. The remote control 204 includes a transmitter 210 for transmitting the control signals as well as the audio signal to the set-top box 102. The set-top box 102 includes a receiver 212 for receiving the signals from the transmitter 210 and a converter 214 for converting the audio information (i.e., the audio signal) into a digital audio stream compatible for transmission over the network 100, i.e., a cable system for reception by the appropriate set-top box in the network. The set-top box 102 may optionally contain an additional microphone (200 in Fig. 5) for additionally or alternatively capturing audio signals. To that end, the switch 206 on the remote control 204 alternatively controls the microphone on the set-top box 102 as well as the self-contained microphone.

The subject invention relates to a system including an apparatus and a remote control for controlling the apparatus. The system comprises a speech processor for processing speech commands, a microphone arranged on the remote control for enabling a user of the remote control to input the speech commands, a further microphone for enabling further users of the system to input speech commands, and input designation means for enabling the user to selectively designate which of the microphone and the further microphone is to be used as a signal source to the speech processor.

It is well-founded that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The Examiner has indicated that Allen teaches "an inherent speech processor for processing speech commands (col. 4 lines 34 40)".

Appellants submit that the Examiner is mistaken. In order for there to be inherency, there must be some suggestion of the limitation in the reference. Appellants urge that such a suggestion

is non-existent in Allen. In particular, Allen states, at col. 4, lines 34-40:

> "In the illustrated embodiment, the remote control 204 includes a microphone 208 for capturing sound waves and generating an analog or digital audio signal. The microphone 208 is in electrical communication with a microphone button 206, which toggles operation of the microphone 208 in one implementation. The remote control 204 may further include additional buttons to control various features of the STB 102 and the television 202."

Appellants submit that the only suggestion in the above passage is that the remote control includes means operated by the additional buttons for generating control signals for controlling the STB 102 and the television 202.

As described in Allen at col. 1, lines 28-56, the watching of some television programs is a communal event and it is desirable to converse with other viewers during the broadcast of the program. However, when the viewers are in different locations, it may not be convenient to conduct a teleconference during the program.

Allen then describes, at col. 1, line 66 to col. 2, line 37, that the system of the invention provides an alternate communication system in which audio information is captured by a microphone in one room, sent to the corresponding set-top box, and transmitted via the network to a set-top box at another location for reproduction by a connected television receiver.

This function of the system of Allen is described in detail at col. 4, line 17 through col. 10, line 6. Nowhere in Allen is there

any suggestion that the audio information being captured by the microphone is speech control information for controlling functions of the set-top box and/or the television.

In the current Office Action, the Examiner states "Allen (6,397,3887) does inherently teach a speech processor, col. 4, lines 34-40 (speech processing is the conversion from sound into electrical impulses, thus inherently needs a processor via DSP or some analog to digital formatting to process sound/speech)." The Examiner further states "Allen does teach that the audio information being captured by the microphone is speech-controlled information for controlling functions of the set-top box and/or television, col. 4, lines 34-45; col. 7, lines 62-67 and col. 8, lines 1-5 (Allen's remote control has a microphone, which is used for picking up speech signals, and the remote, which has a microphone, can be activated to control the STB, thus, if the remote, which is speech activated, controls the STB, the person speaking into the microphone, as long as the microphone is activated, will be controlling the STB)."

Appellants believe that the Examiner is using a flawed definition of "speech processor". Claims 4 and 10 specifically recite "a speech processor for processing speech commands for controlling said apparatus in accordance with said speech commands" and "processing the speech input commands in order to control said apparatus in accordance with the speech input commands". It should

be clear that speech processing is not merely "the conversion from sound into electrical impulses, thus inherently needs a processor via DSP or some analog to digital formatting to process sound/speech", as suggested by the Examiner, but rather, is the processing of speech commands for controlling the apparatus in accordance with the speech commands.

The Examiner has gone through great pains to attempt to show that Allen contemplates speech control of the set-top box. However, these efforts are erroneous. In particular, the sections of Allen noted by the Examiner are as follows:

Col. 4, lines 34-45:

> "In the illustrated embodiment, the remote control 204 includes a microphone 208 for capturing sound waves and generating an analog or digital audio signal. The microphone 208 is in electrical communication with a microphone button 206, which toggles operation of the microphone 208 in one implementation. The remote control 204 may further include additional buttons to control various features of the STB 102 and the television 202. As used herein, the term "button" contemplates other types of controls, such as switches and the like. In addition, multiple buttons or controls may be provided for activating and deactivating the microphone 208."

and col. 7, lines 62-67 and col. 8, lines 1-5:

> "In yet another alternative embodiment, the remote control 504 and the STB 502 may both be configured with a microphone 208. This would allow a user to select between a microphone 208 disposed locally on the remote control 504 and a microphone 208 disposed remotely on the STB 102. Thus, a user may conveniently switch between a microphone 208 at a fixed location and a remote-mounted microphone 208 that is highly mobile. In one embodiment, the "switch" button 410 of FIG. 4 may be used for this purpose."

It should be apparent from the above that Allen does not show or suggest that the microphone is for receiving speech commands and that these commands are used for controlling the STB or television. Rather, Allen specifically states "The remote control 204 may further include additional buttons to control various features of the STB 102 and the television 202."

The Examiner may then question why would Allen include the microphone on the remote control if not to transmit speech commands for controlling the STB and television. Allen answers this query at col. 1, lines 57-60: "Thus, it would be an advancement in the art to provide a convenient technique for conversing during a television broadcast with one or more other viewers at remote physical locations." Further, at col. 3, lines 3-4, Allen states "Embodiments of systems and devices for audio capture and communication are described herein." Finally, Fig. 8 shows a flowchart of "a method for audio capture and communication" which is described in Allen at col. 8, line 6 to col. 9, line 30. It should thus be apparent that the microphones are for establishing communication between the user at one location and another user at a second location. There is no disclosure or suggestion of the speech being captured by the microphones being used to control the STB and/or television.

The Examiner now states "The prior art teaches a processor that uses speech commands to control a device col. 6, lines 54-67.

The processor manages the STB, converts audio information from the remote to one or more STB."

Again, Appellants submit that the Examiner is mistaken. In particular, the cited portion of Allen states:

> "In various embodiments, the controller 310 may be embodied as a microcontroller, a microprocessor, a digital signal processor (DSP) or other device known in the art. The controller 310 manages the operation of the STB 102, including, for example, the conversion of the encoded audio information, the storage of the audio information, the transmission and reception of audio information from the network 100, and the like. As noted above, the controller 310 may perform these and other operations based on control signals generated by the remote control 204 and transmitted to the receiver 212.
>
> "As described in greater detail below, the audio information may be converted, compressed and transmitted across the network 100 to one or more other STBs 102 where it is...."

Appellants stress that the above passage from Allen has nothing to do with processing speech commands to form control signals for controlling an apparatus. Rather, Allen is merely stating that the controller manages the conversion of the encoded audio information, the storage of the audio information, the transmission and reception of audio information from the network. The only mention of control signals is "the controller 310 may perform these and other operations based on control signals generated by the remote control 204 and transmitted to the receiver 212". However, as clearly stated in Allen at col. 4, lines 39-41 "The remote control 204 may further include additional buttons to control various features of the STB 102 and the television 202".

Nowhere in Allen is there any suggestion that these control signals result from speech commands inputted by the user into the microphone.

(2) Claim 8

The above arguments with respect to Allen are incorporated herein.

The invention as claimed in claim 8 relates to a remote control for use in the above system, in which the remote control includes "a microphone for enabling a user of said remote control to input speech commands for processing by a speech processor to control said apparatus in accordance with said speech commands" and "input designation means for enabling the user to selectively designate said microphone or a further microphone as a signal source to said speech processor".

Appellants submit that while Allen discloses a remote control with a microphone, as clearly indicated above, there is no disclosure or suggestion in Allen of a speech processor for generating control signals from speech commands spoken into the microphone for controlling an apparatus.

Further, while Allen discloses the ability to select between a microphone on the remote control and a microphone on, for example, the set-top box (col. 7, line63 to col. 8, line 5), Appellants

stress that there is no disclosure or suggestion that such a selection designates a signal source to the speech processor.

(3) Claim 9

The above arguments with respect to Allen are incorporated herein.

The invention as claimed in claim 9 relates to an apparatus for use in the above system, in which the apparatus includes "a speech processor for processing speech commands to control said apparatus in accordance with said speech commands", "a further microphone arranged on said apparatus for generating speech commands for said apparatus" and "input designation means for enabling a user to selectively designate which of said microphone and said further microphone is to be used as a signal source to said speech processor".

First, as clearly indicated above, Appellants stress that Allen neither discloses nor suggests a "a speech processor for processing speech commands to control said apparatus in accordance with said speech commands".

Further, while the set-top box in Allen may include a microphone for receiving speech signals, there is no disclosure or suggestion in Allen that these speech signals should be speech commands for application to a speech processor for generating control signals for controlling an apparatus.

Finally, while Allen discloses the ability to select between a microphone on the remote control and a microphone on, for example, the set-top box (col. 7, line63 to col. 8, line 5), Appellants stress that there is no disclosure or suggestion that such a selection designates a signal source to the speech processor.

Based on the above arguments, Appellants believe that the subject invention is neither anticipated nor rendered obvious by the prior art and is patentable thereover. Therefore, Appellants respectfully request that this Board reverse the decisions of the Examiner and allow this application to pass on to issue.

Respectfully submitted,

by _____
Edward W. Goodman, Reg. 28,613
Attorney

(viii) Claims Appendix

1-3. (Cancelled).

4. (Previously Presented) A system including an apparatus and a remote control for controlling said apparatus, the system comprising:

a speech processor for processing speech commands for controlling said apparatus in accordance with said speech commands;

a microphone arranged on said remote control for enabling a user of said remote control to input said speech commands;

a further microphone for enabling further users of the system to input speech commands; and

input designation means for enabling the user to selectively designate which of said microphone and said further microphone is to be used as a signal source to said speech processor.

5. (Previously Presented) The system as claimed in claim 4, wherein said input designation means controls the speech processor to process speech commands from said microphone only.

6. (Previously Presented) The system as claimed in claim 4, wherein said input designation means controls the speech processor to process speech commands from said further microphone only.

7. (Previously Presented) The system as claimed in claim 4, wherein said input designation means controls the speech processor to process speech commands from both said microphone and said further microphone, said microphone having priority over said further microphone.

8. (Previously Presented) A remote control for use in a system including an apparatus and said remote control for controlling said apparatus, the remote control comprising:

a microphone for enabling a user of said remote control to input speech commands for processing by a speech processor to control said apparatus in accordance with said speech commands; and

input designation means for enabling the user to selectively designate said microphone or a further microphone as a signal source to said speech processor.

9. (Previously Presented) An apparatus for use in a system including said apparatus and a remote control for controlling said apparatus, said remote control having a microphone for enabling a

user to send speech commands to said apparatus, said apparatus comprising:

a speech processor for processing speech commands to control said apparatus in accordance with said speech commands;

a further microphone arranged on said apparatus for generating speech commands for said apparatus; and

input designation means for enabling a user to selectively designate which of said microphone and said further microphone is to be used as a signal source to said speech processor.

10. (Previously Presented) A method of controlling an apparatus comprising the steps:

transmitting speech commands to the apparatus from a microphone included in a remote control for controlling the apparatus;

transmitting further speech commands to the apparatus from a further microphone included in the apparatus;

selectively designating which of said speech commands and said further speech commands are to be used as speech input commands for said apparatus; and

processing the speech input commands in order to control said apparatus in accordance with the speech input commands.

(ix) Evidence Appendix

There is no evidence which had been submitted under 37 C.F.R. 1.130, 1.131 or 1.132, or any other evidence entered by the Examiner and relied upon by Appellant in this Appeal.

(x) Related Proceedings Appendix

Since there were no proceedings identified in section (ii) herein, there are no decisions rendered by a court or the Board in any proceeding identified pursuant to paragraph (c)(1)(ii) of 37 C.F.R. 41.37.